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PROMOTION AND PROTECTION OF THE RIGHTS OF CHILDREN

Report of the Third Committee

Rapporteur: Mr. Nikolai N. LEPESHKO (Belarus)

I. INTRODUCTION

1. At its 3rd plenary meeting, on 23 September 1994, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-ninth session the item entitled "Promotion and protection of the rights of children" and to allocate it to the Third Committee.

2. The Committee considered the item at its 27th to 30th, 36th, 39th, 41st and 44th meetings, on 11, 14, 21, 22, 23 and 28 November 1994. An account of the Committee's discussion of the item is contained in the relevant summary records (A/C.3/49/SR.27-30, 36, 39, 41 and 44).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Progress report of the Secretary-General on the study on the impact on children of armed conflict (A/49/643);

(b) Note by the Secretary-General on the necessity of adopting effective measures for the promotion and protection of the rights of children throughout the world who are victims of especially difficult circumstances, including armed conflicts (A/49/411);

(c) Note by the Secretary-General transmitting the provisional report prepared by the Special Rapporteur of the Commission on Human Rights on the sale of children, child prostitution and child pornography (A/49/478);

(d) Letter dated 6 April 1994 from the Permanent Representative of India to the United Nations addressed to the Secretary-General transmitting the joint communiqué issued at the Fourth Meeting of the Summit-level Group for South-South Consultations and Cooperation (Group of Fifteen), held at New Delhi from 28 to 30 March 1994 (A/49/119);

(e) Letter dated 27 April 1994 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General (A/49/134-S/1994/506);

(f) Letter dated 28 September 1994 from the Permanent Representative of Pakistan to the United Nations addressed to the Secretary-General (A/49/448);

(g) Letter dated 17 October 1994 from the Permanent Representative of Indonesia to the United Nations addressed to the Secretary-General transmitting the communiqué of the Meeting of Ministers for Foreign Affairs and Heads of Delegation of the Movement of Non-Aligned Countries to the forty-ninth session of the General Assembly, held at United Nations Headquarters on 5 October 1994 (A/49/532-S/1994/1179);

(h) Letter dated 18 November 1994 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General (A/49/682-S/1994/1324);

(i) Letter dated 12 October 1994 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General (A/C.3/49/6);

(j) Letter dated 4 November 1994 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General (A/C.3/49/14).

II. CONSIDERATION OF PROPOSALS

A. Draft resolution A/C.3/49/L.21 and Rev.1

4. On 16 November, Bosnia and Herzegovina, Croatia, Peru, on behalf of the States Members of the United Nations that are members of the Group of Latin American and Caribbean States, and Saint Lucia submitted a draft resolution entitled "Protection of children affected by armed conflicts" (A/C.3/49/L.21).

5. At the 39th meeting, on 22 November, the representative of Peru, on behalf of the same sponsors, now joined by Australia, Cambodia, Micronesia (Federated States of), Norway, the Philippines and Sweden introduced a revised draft resolution (A/C.3/49/L.21/Rev.1), which contained the following changes:

(a) A new preambular paragraph was added as the fourth preambular paragraph, which read:

"Noting the work of the open-ended working group on the elaboration of a preliminary draft optional protocol to the Convention on the Rights of the Child relating to the involvement of children in armed conflicts,"

(b) Operative paragraph 3, which had read:

"3. Recognizes that the primary rights of children in situations of armed conflict and in the period immediately following armed conflict are adequate nutrition, proper medical care and shelter;"

was revised to read:

"3. Recognizes that children in situations of armed conflict and in the immediate aftermath of armed conflict have the right to adequate nutrition, proper medical care and shelter;"

(c) A new operative paragraph 4 was inserted, which read:

"4. Also recognizes the right of expectant mothers to the same care and protection, under similar circumstances;"

(d) Former operative paragraphs 4 to 9 were renumbered as operative paragraphs 5 to 10;

(e) New operative paragraphs 11 and 12 were inserted, which read:

"11. Notes that support is provided to the expert jointly by the Centre for Human Rights of the Secretariat and the United Nations Children's Fund;"

"12. Requests the Secretary-General to ensure that the Centre for Human Rights is provided, within existing resources, with the staff and other resources it requires to assist the expert in the effective discharge of her mandate;"

(f) Former operative paragraphs 10 to 13 were renumbered as operative paragraphs 13 to 16.

6. Subsequently, Angola, Austria, Bangladesh, Côte d'Ivoire, Egypt, Finland, France, Georgia, Iceland, Morocco, Mozambique, Niger, Nigeria, New Zealand, Pakistan, Portugal, Spain and Tajikistan joined in sponsoring the revised draft resolution.

7. At its 44th meeting, on 28 November, the Committee adopted draft resolution A/C.3/49/L.21/Rev.1 without a vote (see para. 26, draft resolution I).

B. Draft resolution A/C.3/49/L.22

8. At the 39th meeting, on 22 November, the representative of Peru, on behalf of the States Members of the United Nations that are members of the Group of Latin American and Caribbean States and Afghanistan, Australia, Cape Verde,

Guinea-Bissau, Mongolia, Morocco, Peru and Ukraine, introduced a draft resolution entitled "Need to adopt efficient international measures for the prevention and eradication of the sale of children, child prostitution and child pornography" (A/C.3/49/L.22) and orally revised operative paragraph 11, which had read:

> "11. Requests the Secretary-General to provide the Special Rapporteur and the working group of the Commission on Human Rights with every necessary assistance;"

was revised to read:

> "11. Requests the Secretary-General to ensure that the Centre for Human Rights of the Secretariat is provided, within existing resources, with the staff and other resources it requires to assist the Special Rapporteur and the working group of the Commission on Human Rights in the effective discharge of their mandates;".

9. Subsequently, Armenia, Bangladesh, Burkina Faso, France, Georgia, Micronesia (Federated States of), the Philippines, Portugal, the Russian Federation and Spain joined in sponsoring the draft resolution as orally revised.

10. At the 41st meeting, on 23 November, the representative of Peru further orally revised draft resolution A/C.3/49/L.22 as follows: in operative paragraph 7, the word "Commends" was replaced by the word "Notes".

11. At the same meeting, the representative of the United States of America orally amended the first preambular paragraph by deleting the words "and their organs" after the words "the sale of children".

12. Statements were made by the representatives of Peru, Cuba, Jamaica, Brazil, the United States of America, Chile and Nicaragua, as well as by the Chairman (see A/C.3/49/SR.41).

13. At the same meeting, a recorded vote was requested on the amendment proposed by the representative of the United States of America. The Committee rejected the proposed amendment to the first preambular paragraph by a recorded vote of 2 to 139, with 1 abstention. The voting was as follows:

In favour: Israel, United States of America.

Against: Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cambodia, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Honduras,

Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy. Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Samoa, San Marino, Senegal, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Abstaining: Nigeria.

14. After the rejection of the proposed amendment, the representative of Peru made a statement (see A/C.3/49/SR.41).

15. At the same meeting the representatives of the Islamic Republic of Iran and Romania made statements (see A/C.3/49/SR.41).

16. At the 41st meeting the Committee then adopted draft resolution A/C.3/49/L.22, as further orally revised, without a vote (see para. 26, draft resolution II).

17. After the adoption of the draft resolution, the representative of the United States of America made a statement (see A/C.3/49/SR.41).

C. Draft resolution A/C.3/49/L.23

18. At the 36th meeting, on 21 November, the representative of Sweden, on behalf of Australia, Austria, Benin, Bolivia, Burkina Faso, Canada, Chile, Colombia, Cuba, the Czech Republic, Denmark, El Salvador, Estonia, Finland, France, the Gambia, Germany, Greece, Guinea-Bissau, Iceland, Italy, the Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malawi, Malta, Mexico, the Netherlands, Nicaragua, Norway, Pakistan, Panama, Peru, Poland, the Republic of Moldova, Romania, Rwanda, Slovenia, Spain, Sweden, Ukraine, Venezuela and Zimbabwe, introduced a draft resolution entitled "Implementation of the Convention on the Rights of the Child" (A/C.3/49/L.23). Subsequently, Costa Rica, Honduras, Hungary, Ireland, Latvia, Lithuania, Mali, Nigeria, Portugal, the Russian Federation, Senegal, Uruguay, Viet Nam and Zambia joined in sponsoring the draft resolution.

19. At its 41st meeting, on 23 November, the Committee had before it a statement on the programme budget implications of draft resolution A/C.3/49/L.23

submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly (A/C.3/49/L.27).

20. Subsequently, Afghanistan, Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bosnia and Herzegovina, Bulgaria, Burundi, Cameroon, Cape Verde, the Democratic People's Republic of Korea, the Dominican Republic, Ecuador, Fiji, Ghana, Guatemala, Guyana, India, Indonesia, Israel, Jamaica, Kenya, the Marshall Islands, Micronesia (Federated States of), Mongolia, Morocco, Mozambique, Namibia, Nepal, Paraguay, the Philippines, the Republic of Korea, South Africa, the Sudan, Thailand, the former Yugoslav Republic of Macedonia, Tunisia, the United Kingdom of Great Britain and Northern Ireland and Yemen joined in sponsoring the draft resolution.

21. At the same meeting, the representatives of Sweden and Indonesia made statements (see A/C.3/49/SR.41).

22. At the same meeting, the Committee adopted draft resolution A/C.3/49/L.23 without a vote (see para. 26, draft resolution III).

23. After the adoption of the draft resolution, the representative of Japan made a statement (see A/C.3/40/SR.41).

D. Draft resolution A/C.3/49/L.24

24. At the 39th meeting, on 22 November, the representative of Germany, on behalf of the States Members of the United Nations that are members of the European Union and Afghanistan, Armenia, Australia, Austria, Benin, Bolivia, Burundi, Canada, Chile, Colombia, Costa Rica, Ethiopia, Finland, Georgia, Germany, Guinea, Guinea-Bissau, Iceland, Israel, Lesotho, Liechtenstein, Malawi, Mali, Malta, the Marshall Islands, Mexico, Mongolia, Morocco, Mozambique, Namibia, New Zealand, Nicaragua, the Niger, Norway, Pakistan, Panama, the Republic of Moldova, the Russian Federation, Rwanda, Singapore, Sweden, Turkey, Ukraine and Uruguay, introduced a draft resolution entitled "The plight of street children" (A/C.3/49/L.24). Subsequently, Angola, Bangladesh, Belarus, Cambodia, Cameroon, the Czech Republic, the Dominican Republic, Ecuador, Guyana, Honduras, India, Kenya, Madagascar, Micronesia (Federated States of), Nepal, Nigeria and the Philippines joined in sponsoring the draft resolution.

25. At its 41st meeting, on 23 November, the Committee adopted draft resolution A/C.3/49/L.24 without a vote (see para. 26, draft resolution IV).

III. RECOMMENDATIONS OF THE THIRD COMMITTEE

26. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

DRAFT RESOLUTION I

Protection of children affected by armed conflicts

The General Assembly,

Reaffirming its resolution 44/25 of 20 November 1989, by which it adopted the Convention on the Rights of the Child, and its resolution 3318 (XXIX) of 14 December 1974, by which it proclaimed the Declaration on the Protection of Women and Children in Emergency and Armed Conflict,

Recalling that the Geneva Conventions of 12 August 1949 1/ and the Additional Protocols thereto, of 1977, 2/ as well as article 38 of the Convention on the Rights of the Child, accord children special protection and treatment,

Recalling also the World Declaration on the Survival, Protection and Development of Children 3/ and the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s, 3/ adopted by the World Summit for Children, held in New York on 29 and 30 September 1990, and stressing the necessity of implementing their provisions,

Noting the work of the open-ended working group on the elaboration of a preliminary draft optional protocol to the Convention on the Rights of the Child relating to the involvement of children in armed conflicts,

Taking note of the report of the Committee on the Rights of the Child on its fifth session, 4/ held at Geneva from 10 to 28 January 1994,

Recalling Commission on Human Rights resolution 1994/94 of 9 March 1994, 5/

Mindful of the strong support of the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, for a proposed study, as reflected in

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1/ United Nations, Treaty Series, vol. 75, Nos. 970-973.

2/ Ibid., vol. 1125, Nos. 17512 and 17513.

3/ See A/45/625, annex.

4/ Official Records of the General Assembly, Forty-ninth Session, Supplement No. 41 (A/49/41).

5/ Official Records of the Economic and Social Council, 1994, Supplement No. 4 (E/1994/24), chap. II, sect. A.

paragraph 50 of section II of the Vienna Declaration and Programme of Action, 6/

Profoundly concerned about the continuing deterioration in the situation of children in many parts of the world as a result of armed conflicts, and convinced that immediate action is called for,

Convinced that children affected by armed conflicts require the special protection of the international community and that there is a need for all States to work towards the alleviation of their plight,

Recognizing the valuable work done in this field by United Nations bodies and organizations, as well as other relevant intergovernmental and non-governmental organizations,

Recalling its resolution 48/157 of 20 December 1993,

1. Expresses grave concern about the tragic situation of children in many parts of the world as a result of armed conflicts;

2. Calls upon States fully to respect the dispositions contained in the Geneva Convention of 12 August 1949 and the Additional Protocols thereto, of 1977, as well as those in the Convention on the Rights of the Child, which accord children affected by armed conflicts special protection and treatment;

3. Recognizes that children in situations of armed conflict and in the immediate aftermath of armed conflict have the right to adequate nutrition, proper medical care and shelter;

4. Also recognizes the right of expectant mothers to the same care and protection, under similar circumstances;

5. Requests Member States and United Nations agencies, within the scope of their respective mandates, to undertake appropriate measures to facilitate the extension of humanitarian assistance and relief and humanitarian access to children in situations of armed conflict and the immediate aftermath of such conflict;

6. Takes note of the report of the Secretary-General on concrete measures taken to alleviate the situation of children in armed conflict; 7/

7. Requests the Secretary-General to report on the concrete measures which have been taken to alleviate the situation of children in armed conflict, based on the information to be provided by Member States and United Nations bodies and organizations, as well as other relevant intergovernmental and non-governmental organizations;

6/ Report of the World Conference on Human Rights, Vienna, 14-25 June 1993 (A/CONF.157/24 (Part I)), chap. III.

7/ A/49/411.

8. Takes note with appreciation of the report of the Committee on the Rights of the Child on its fifth session and the recommendations contained therein concerning the situation of children affected by armed conflict;

9. Welcomes the appointment of an expert to undertake a comprehensive study of this question, with the mandate established by the General Assembly in its resolution 48/157;

10. Takes note of the progress report of the Secretary-General on the work of the above-mentioned expert; 8/

11. Notes that support is provided to the expert jointly by the Centre for Human Rights of the Secretariat and the United Nations Children's Fund;

12. Requests the Secretary-General to ensure that the Centre for Human Rights is provided, within existing resources, with the staff and other resources it requires to assist the expert in the effective discharge of her mandate;

13. Requests Member States and United Nations bodies and organizations, as well as other relevant intergovernmental and non-governmental organizations, including the Committee on the Rights of the Child, the United Nations Children's Fund, the Office of the United Nations High Commissioner for Refugees, the World Health Organization and the International Committee of the Red Cross, to contribute to the study referred to in paragraph 9 of the present resolution;

14. Invites the Commission on Human Rights to consider the study at its fifty-first session;

15. Requests the Secretary-General to submit a report on the study to the General Assembly at its fiftieth session;

16. Decides to consider this question at its fiftieth session under the item entitled "Promotion and protection of the rights of children".

8/ A/49/643.

DRAFT RESOLUTION II

Need to adopt efficient international measures for the prevention and eradication of the sale of children, child prostitution and child pornography

The General Assembly,

Reaffirming the Vienna Declaration and Programme of Action, 9/ adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, which requires effective measures against female infanticide, harmful child labour, the sale of children and their organs, child prostitution, child pornography and other forms of sexual abuse,

Recalling the Convention on the Rights of the Child, adopted in its resolution 44/25 of 20 November 1989,

Recalling also the World Declaration on the Survival, Protection and Development of Children 10/ and the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s, 10/ adopted by the World Summit for Children, held in New York on 29 and 30 September 1990,

Bearing in mind Commission on Human Rights resolution 1992/74 of 5 March 1992, 11/ by which the Commission adopted the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography,

Recalling its resolution 48/156 of 20 December 1993,

Recalling also Commission on Human Rights resolution 1994/90 of 9 March 1994, 12/

Recognizing the enormous efforts made in this field by the United Nations, particularly the United Nations Children's Fund, the Committee on the Rights of the Child and the Special Rapporteur of the Commission on Human Rights on the sale of children, child prostitution and child pornography,

Deeply concerned by the persistence of the practice of the use of children for prostitution, sexual abuse and other activities, which may also often constitute exploitation of child labour,

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9/ Report of the World Conference on Human Rights, Vienna, 14-25 June 1993 (A/CONF.157/24 (Part I)), chap. III.

10/ See A/45/625, annex.

11/ Official Records of the Economic and Social Council, 1992, Supplement No. 2 (E/1992/22), chap. II, sect. A.

12/ Ibid., 1994, Supplement No. 4 (E/1994/24), chap. II, sect. A.

Deeply disturbed by the persistence of the practice of the sale of children and other practices, which may be linked to related disappearances, illegal adoptions, abandonment, kidnapping and abductions for commercial purposes,

Bearing in mind the different causes that influence the emergence and persistence of these special circumstances, including in particular poverty, unemployment, hunger, natural disaster, intolerance, exploitation of child labour and armed conflicts, and their harmful effects on the rights of the child,

Recognizing the existence of a market which encourages the increase of such criminal practices against children,

Taking into account the necessity that the Special Rapporteur be assisted by the cooperation of Governments and provided with information on this matter,

Considering that it is necessary to redouble efforts at the national and international levels to promote and protect the rights of children all over the world,

1. Welcomes the provisional report of the Special Rapporteur on the sale of children, child prostitution and child pornography, 13/

2. Expresses deep concern at the alarming increase in violations of the rights of the child worldwide, in particular the growing number of incidents related to the sale of children, child prostitution and child pornography;

3. Urges Governments to continue searching for solutions, as well as ways and means of enhancing international cooperation to eradicate such aberrant practices;

4. Expresses its support for the work of the Special Rapporteur appointed by the Commission on Human Rights to examine all over the world the question of the sale of children, child prostitution and child pornography, and urges him to continue his efforts in the discharge of his mandate;

5. Urges all Governments to collaborate with the Special Rapporteur and to assist him by providing him with all the requested information;

6. Calls upon those States that have not done so to become parties to the Convention on the Rights of the Child, and calls upon the States parties to the Convention to implement national measures aimed at fulfilling the provisions of the Convention;

7. Notes the establishment by the Economic and Social Council in its resolution 1994/9 of 22 July 1994 of an open-ended working group responsible for elaborating, as a matter of priority and in close cooperation with the Special Rapporteur and the Committee on the Rights of the Child, guidelines for a possible draft optional protocol to the Convention on the Rights of the Child on

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13/ A/49/478.

the sale of children, child prostitution and child pornography, as well as establishing the basic measures needed for the prevention and eradication of those abnormal practices,

8. Requests the Secretary-General to transmit the report of the working group to Governments, the Special Rapporteur and the intergovernmental and non-governmental organizations concerned;

9. Invites the Special Rapporteur, within the framework of his mandate, to continue giving attention to the economic, social, legal and cultural factors affecting these phenomena;

10. Requests the Special Rapporteur to submit a provisional report to the General Assembly at its fiftieth session;

11. Requests the Secretary-General to ensure that the Centre for Human Rights of the Secretariat is provided, within existing resources, with the staff and other resources it requires to assist the Special Rapporteur and the working group of the Commission on Human Rights in the effective discharge of their mandates;

12. Decides to consider this question at its fiftieth session under the item entitled "Promotion and protection of the rights of children".

DRAFT RESOLUTION III

Implementation of the Convention on the Rights of the Child

The General Assembly,

Recalling its resolution 44/25 of 20 November 1989, by which it adopted the Convention on the Rights of the Child,

Recalling also its resolution 47/112 of 16 December 1992 and Commission on Human Rights resolution 1994/91 of 9 March 1994, 14/

Taking note of the report of the Committee on the Rights of the Child on its second to fifth sessions, 15/ and the meeting of the States parties to the Convention on the Rights of the Child, held in New York on 10 October 1994,

Reaffirming that the rights of children require special protection and call for continuous improvement of the situation of children all over the world, as well as for their development and education in conditions of peace and security,

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14/ See Official Records of the Economic and Social Council, 1994, Supplement No. 4 (E/1994/24), chap. II, sect. A.

15/ Official Records of the General Assembly, Forty-ninth Session, Supplement No. 41 (A/49/41).

Profoundly concerned that the situation of children in many parts of the world remains critical as a result of inadequate social and economic conditions, natural disasters, armed conflicts, exploitation, illiteracy, hunger and disability, and convinced that urgent and effective national and international action is called for,

Mindful of the important role of the United Nations and of the United Nations Children's Fund in promoting the well-being of children and their development,

Encouraged by the fact that an unprecedented number of States have to date become signatories and parties to the Convention, thereby demonstrating the widespread political commitment that exists to strive for the promotion and protection of the rights of the child,

Convinced that the Convention, as a standard-setting accomplishment of the United Nations in the field of human rights, makes a positive contribution to protecting the rights of children and ensuring their well-being,

Recalling the recommendation in the Vienna Declaration and Programme of Action, 16/ adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, that measures be taken to achieve by 1995 universal ratification of the Convention, and the universal signing of the World Declaration on the Survival, Protection and Development of Children and Plan of Action, 17/ adopted by the World Summit for Children, held in New York on 29 and 30 September 1990, as well as their effective implementation,

Seriously concerned about those reservations to the Convention that are contrary to the object and purpose of the Convention or otherwise contrary to international treaty law, and recalling that the Vienna Declaration and Programme of Action urges States to withdraw such reservations,

Having considered the report of the Secretary-General on the status of the Convention, 18/

1. Takes note with appreciation of the report of the Secretary-General on the status of the Convention on the Rights of the Child;

2. Recalls with deep satisfaction the entry into force of the Convention on 2 September 1990 as a major step in international efforts to promote universal respect for and observance of human rights and fundamental freedoms;

16/ Report of the World Conference on Human Rights, Vienna, 14-25 June 1993 (A/CONF.157/24 (Part I)), chap. III.

17/ A/45/625, annex.

18/ A/49/409.

3. Expresses its satisfaction at the number of States that have signed, ratified or acceded to the Convention since it was opened for signature, ratification and accession on 26 January 1990;

4. Urges all States that have not done so to sign, ratify or accede to the Convention as a matter of priority, with a view to reaching universal ratification by 1995;

5. Emphasizes the importance of the full implementation by States parties of the provisions of the Convention;

6. Urges States parties to the Convention that have made reservations to review the compatibility of their reservations with article 51 of the Convention and other relevant rules of international law, with the aim of withdrawing them;

7. Calls upon States parties to submit their reports to the Committee on the Rights of the Child on time, in accordance with the guidelines elaborated for that purpose;

8. Welcomes the constructive and useful results achieved by the Committee on the Rights of the Child during its first seven sessions;

9. Also welcomes the consideration by the Committee on the Rights of the Child of the reservations and declarations entered by States parties to the Convention as a part of its important functions in overseeing the effective implementation of the Convention;

10. Notes with appreciation the elaboration by the Committee on the Rights of the Child of a preliminary draft optional protocol to the Convention on involvement of children in armed conflicts;

11. Requests the Committee on the Rights of the Child, in accordance with article 45 (a) of the Convention, to invite the United Nations Children's Fund, in collaboration with the Centre for Human Rights of the Secretariat, to submit reports on specific issues related to, inter alia, the exploitation and abuse of children, in order to increase awareness of the provisions of the Convention and their implementation, and in order to support concrete action at national and international levels;

12. Expresses concern at the increasingly heavy workload of the Committee on the Rights of the Child and the resulting difficulties it faces in the fulfilment of its functions;

13. Approves the recommendation contained in the resolution adopted by consensus at the meeting of the States parties to the Convention on the Rights of the Child on 10 October 1994, in which the States parties reaffirmed the recommendation made by the Committee on the Rights of the Child regarding the increase to three of the number of annual sessions of the Committee as from 1995, as well as the number of sessions of the pre-sessional working group;

14. Authorizes the Secretary-General to implement that recommendation;

15. Requests the Secretary-General to ensure the provision of appropriate staff and facilities, within the overall existing budget framework, for the effective and expeditious performance of the functions of the Committee on the Rights of the Child;

16. Requests bodies and organizations of the United Nations, within the scope of their respective mandates, to intensify their efforts to disseminate information on the Convention, promote understanding of it and assist Governments in its implementation;

17. Invites intergovernmental and non-governmental organizations to intensify their efforts with a view to disseminating information on the Convention to adults and children alike and to promoting understanding of it;

18. Notes the establishment by the Economic and Social Council of two open-ended working groups to elaborate, respectively, (a) a draft optional protocol to the Convention on the involvement of children in armed conflicts; and (b) guidelines for a possible draft optional protocol to the Convention on the sale of children, child prostitution and child pornography, as well as the basic measures needed for their prevention and eradication;

19. Requests the Secretary-General to submit to the General Assembly at its fifty-first session a report on the status of the Convention;

20. Decides to consider the report of the Secretary-General at its fifty-first session under the item entitled "Human rights questions".

DRAFT RESOLUTION IV

The plight of street children

The General Assembly,

Recalling its resolution 48/136 of 20 December 1993,

Recalling also Commission on Human Rights resolution 1994/93 of March 1994,

Welcoming the special attention given to the rights of children in the Vienna Declaration and Programme of Action, 19/ in particular in section I, paragraph 21,

Recalling the Convention on the Rights of the Child, adopted in its resolution 44/25 of 20 November 1989, as a major contribution to the protection of the rights of all children, including street children,

Reaffirming that children are a particularly vulnerable group in society whose rights require special protection, and that children living under

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19/ Report of the World Conference on Human Rights, Vienna, 14-25 June 1993 (A/CONF.157/24 (Part I)), chap. III.

especially difficult circumstances, such as street children, deserve special attention, protection and assistance from their families and communities and as part of national efforts and international cooperation,

Recognizing that all children have the right to health, shelter and education, to an adequate standard of living and to freedom from violence and harassment,

Deeply concerned about the growing number of street children worldwide and the squalid conditions in which these children are often forced to live,

Profoundly concerned that the killing of and violence against street children threaten the most fundamental right of all, the right to life,

Alarmed at continuing serious offences of this nature against street children,

Recognizing the duty and responsibility of Governments to investigate all cases of offences against street children and to punish offenders,

Recognizing also that legislation per se is not enough to prevent violations of human rights, including those of street children, and that Governments should implement their laws and complement legislative measures with effective action, inter alia, in the fields of law enforcement and in the administration of justice, and in social, educational and public health programmes,

Welcoming the efforts made by some Governments to take effective action to address the question of street children,

Welcoming also the publicity given to and the increased awareness of the plight of street children, and the achievements of non-governmental organizations in promoting their rights and in providing practical assistance to improve their situation, and expressing its appreciation of their continued efforts,

Welcoming further the valuable work of the United Nations Children's Fund and its National Committees in reducing the suffering of street children,

Noting with appreciation the important work carried out in this field by the United Nations, in particular the Committee on the Rights of the Child, the Special Rapporteur of the Commission on Human Rights on the sale of children, child prostitution and child pornography and the United Nations International Drug Control Programme,

Bearing in mind the diverse causes of the emergence and marginalization of street children, including poverty, rural-to-urban migration, unemployment, broken families, intolerance, exploitation and war, and that such causes are often aggravated and their solution made more difficult by serious socio-economic difficulties,

Recognizing that the prevention and solution of certain aspects of this problem could be facilitated in the context of economic and social development,

Bearing in mind that the Vienna Declaration and Programme of Action urged all States, with the support of international cooperation, to address the acute problem of children in especially difficult circumstances and that national and international mechanisms and programmes should be strengthened for the defence and protection of children, including street children,

1. Expresses grave concern at the continued growth in the number of incidents worldwide and at reports of street children being involved in and affected by serious crime, drug abuse, violence and prostitution;

2. Urges Governments to continue actively to seek comprehensive solutions to tackle the problems of street children and to take measures to restore their full participation in society, and to provide, inter alia, adequate nutrition, shelter, health care and education;

3. Strongly urges all Governments to guarantee the respect for fundamental human rights, particularly the right to life, and to take urgent measures to prevent the killing of street children and to combat torture and violence against street children;

4. Emphasizes that strict compliance with the provisions of the Convention on the Rights of the Child constitutes a significant step towards solving the problems of street children, and calls upon all States that have not done so to become parties to the Convention as a matter of priority;

5. Calls upon the international community to support, through effective international cooperation, the efforts of States to improve the situation of street children, and encourages States parties to the Convention on the Rights of the Child, in preparing their reports to the Committee on the Rights of the Child, to bear this problem in mind and to consider requesting technical advice and assistance for initiatives aimed at improving the situation of street children, in accordance with article 45 of the Convention;

6. Commends the Committee on the Rights of the Child for the attention it pays in its monitoring activities to the situation of children who, to survive, are forced to live and work in the streets, and reiterates its invitation to the Committee to consider the possibility of a general comment on street children;

7. Recommends that the Committee on the Rights of the Child and other relevant treaty-monitoring bodies give attention to this growing problem when examining reports from States parties;

8. Invites Governments, United Nations bodies and organizations, including the United Nations Children's Fund, and intergovernmental and non-governmental organizations to cooperate with each other to ensure greater awareness and more effective action to solve the problem of street children by, among other measures, initiating and supporting development projects that can have a positive impact on the situation of street children;

9. Calls upon special rapporteurs, special representatives and working groups of the Commission on Human Rights and of the Subcommission on Prevention of Discrimination and Protection of Minorities, within their mandates, to pay particular attention to the plight of street children;

10. Decides to consider the question further at its fiftieth session under the agenda item entitled "Promotion and protection of the rights of children".

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PREPARATION FOR AND ORGANIZATION OF THE UNITED NATIONS YEAR FOR TOLERANCE

Report of the Third Committee

Rapporteur: Mr. Nikolai N. LEPESHKO (Belarus)

I. INTRODUCTION

1. At its 3rd plenary meeting, on 23 September 1994, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-ninth session the item entitled "Preparation for and organization of the United Nations Year for Tolerance" and to allocate it to the Third Committee.

2. The Third Committee considered the item at its 30th, 36th and 41st meetings, on 14, 21 and 23 November 1994. An account of the Committee's discussion of the item is contained in the relevant summary records (A/C.3/49/SR.30, 36 and 41).

3. For its consideration of the item, the Committee had before it a note by the Secretary-General transmitting the report of the Director-General of the United Nations Educational, Scientific and Cultural Organization (UNESCO) submitted pursuant to decision 5.1.1 of the Executive Board (A/49/457).

4. At the 30th meeting, on 14 November, the representative of UNESCO made a statement (see A/C.3/49/SR.30).

II. CONSIDERATION OF DRAFT RESOLUTION A/C.3/49/L.20

5. At the 36th meeting, on 21 November, the representative of Turkey, on behalf of Afghanistan, Albania, Algeria, Azerbaijan, Benin, Chile, Costa Rica, Egypt, India, Kyrgyzstan, Morocco, Pakistan, Peru, Senegal, Togo, Tunisia, Turkey and Ukraine, introduced a draft resolution entitled "United Nations Year for Tolerance" (A/C.3/49/L.20).

6. Subsequently, Antigua and Barbuda, Austria, Bangladesh, Belarus, Bulgaria, Cambodia, the Dominican Republic, Georgia, Guinea-Bissau, Guyana, Lebanon, the Libyan Arab Jamahiriya, Malaysia, Mauritania, Mauritius, the Philippines, the Republic of Korea and Uruguay joined in sponsoring draft resolution A/C.3/49/L.20.

7. At its 41st meeting, on 23 November, the Committee adopted draft resolution A/C.3/49/L.20 without a vote (see para. 8).

III. RECOMMENDATION OF THE THIRD COMMITTEE

8. The Third Committee recommends to the General Assembly the adoption of the following draft resolution:

United Nations Year for Tolerance

The General Assembly,

Recalling its resolution 48/126 of 20 December 1993, by which it proclaimed 1995 the United Nations Year for Tolerance,

Recalling also that the Charter of the United Nations affirms in its preamble that to practise tolerance is one of the principles to be applied to attain the ends pursued by the United Nations of preventing war and maintaining peace,

Stressing that one of the purposes of the United Nations as set forth in the Charter is the achievement of international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion,

Mindful of the Universal Declaration of Human Rights 1/ and of the International Covenants on Human Rights, 2/

Bearing in mind the Vienna Declaration and Programme of Action, 3/ adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993,

Convinced that tolerance is the sound foundation of any civil society and of peace,

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1/ Resolution 217 A (III).

2/ Resolution 2200 A (XXI), annex.

3/ Report of the World Conference on Human Rights, Vienna, 14-25 June 1993 (A/CONF.157/24 (Part I)), chap. III.

Bearing in mind its decision of 35/424 of 5 December 1980 and Economic and Social Council resolution 1980/67 of 25 July 1980 concerning guidelines for international years and anniversaries,

Noting that the observance of the United Nations Year for Tolerance will not involve any financial implications for the United Nations,

Taking note of the note by the Secretary-General 4/ transmitting the report of the Director-General of the United Nations Educational, Scientific and Cultural Organization,

1. Welcomes the fact that the United Nations Educational, Scientific and Cultural Organization will assume the role of lead organization for the United Nations Year for Tolerance;

2. Recommends that the specialized agencies, regional commissions and other organizations of the United Nations system consider in their respective forums the contributions they could make to the success of the United Nations Year for Tolerance;

3. Calls upon all Member States to cooperate with the United Nations Educational Scientific and Cultural Organization in the observance of the national and international programmes for the Year and to participate actively in the implementation of the activities to be organized within the framework of the Year;

4. Invites interested intergovernmental and non-governmental organizations to exert efforts in their respective fields to contribute adequately to the programmes for the Year and to the follow-up programme for the Year;

5. Requests the United Nations Educational, Scientific and Cultural Organization to prepare for the conclusion of the Year a declaration of principles and a programme of action as a follow-up to the Year, and to submit them to the General Assembly at its fifty-first session;

6. Decides to mark the end of the Year at a special commemorative plenary meeting at its fiftieth session and to review the follow-up to the Year at its fifty-first session.

4/ A/49/457.